

quinn emanuel trial lawyers | washington, dc

777 Sixth Street NW, 11th Floor, Washington, District of Columbia 20001-3706 | TEL (202) 538-8000 FAX (202) 538-8100

WRITER'S DIRECT DIAL NO.
(202) 538-8120

WRITER'S INTERNET ADDRESS
williamburck@quinnemanuel.com

June 27, 2014

Honorable Judge Richard M. Berman
United States District Judge
Southern District of New York
Daniel Patrick Moynihan Courthouse
500 Pearl Street, Courtroom 12D
New York, NY 10007

Re: *Rio Tinto v. Vale et al*, Civil Action No. 14-cv-3042 (RMB) (S.D.N.Y.)

Dear Judge Berman:

We are counsel to Plaintiff Rio Tinto plc (“Rio Tinto”). As a follow up to the June 9 conference, we write to notify the Court that Rio Tinto’s efforts to effect service upon the defendants in the above-referenced matter are now complete.

As explained in our previous letters (Dkt. Nos. 13 and 29), Defendants Vale S.A., Beny Steinmetz, and BSG Resources Limited (“BSGR”) signed waivers of service, *see* Dkt Nos. 8, 28, and Defendants Mahmoud Thiam and Michael Noy have been served. *See* Dkt. Nos. 12 and 19. In addition, Rio Tinto can now confirm that service has been effected upon or waived by the following defendants:

- **Vale BSGR Limited aka BSG Resources (Guinea) Ltd. aka BSG Resources Guinée Ltd and BSG Resources Guinée SARL aka BSG Resources (Guinea) SARL aka VBG-Vale BSGR Guinea:** Defendants Vale BSGR Limited aka BSG Resources (Guinea) Ltd. aka BSG Resources Guinée Ltd and BSG Resources Guinée SARL aka BSG Resources (Guinea) SARL aka VBG-Vale BSGR Guinea, through their counsel Martin Auerbach, agreed to execute waivers of service pursuant to Federal Rule of Civil Procedure 4(d)(3). Both waivers of service were executed and filed on June 26, 2014. *See* Dkt. No. 45.

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- **Frederic Cilins:** Defendant Cilins was served in jail on May 29, 2014. *See* Dkt. No. 37. Mr. Cilins is due to be sentenced in *U.S. v. Cilins*, 13-cr-00315-WHP (S.D.N.Y.) on July 25, 2014.
- **Mamadie Touré:** Defendant Touré was served on June 25, 2014. *See* Dkt. No. 46.

At the June 9 conference, the Court stated that no motion schedule would be set until Rio Tinto advised the Court “who is in, and who is out” of the lawsuit, and the Court ordered that Rio Tinto do so on or before July 31, 2014. *See* 6/9/2014 Tr. at 6:21-23. As of today, Rio Tinto has served nine out of the eleven named defendants. With respect to Defendant BSGR Guinea Ltd. BVI, we attempted service but learned that this entity has been dissolved. Accordingly, Rio Tinto is prepared to proceed without this entity. With respect to Defendant Avraham Lev Ran, although Rio Tinto maintains that he is a member of the RICO conspiracy alleged in the Complaint, Rio Tinto is prepared to move forward without serving Mr. Lev Ran. Rio Tinto reserves all rights to amend the Complaint and/or add defendants based upon any new information obtained during discovery.

Now that Rio Tinto’s service efforts are complete, Rio Tinto respectfully requests that the Court order the following briefing schedule for motions to dismiss: Defendants’ motion to dismiss to be filed on **September 30, 2014**;¹ Rio Tinto’s opposition to any motion to dismiss to be filed on **November 14, 2014**; and Defendants’ reply in further support of their motion to dismiss to be filed on **December 4, 2014**.

Respectfully submitted,

/s/William A. Burck
William A. Burck

¹ As stated above, Defendants Vale BSGR Limited aka BSG Resources (Guinea) Ltd. aka BSG Resources Guinée Ltd and BSG Resources Guinée SARL aka BSG Resources (Guinea) SARL aka VBG-Vale BSGR Guinea executed waivers of service on June 26, 2014. Because these defendants are foreign, they have 90 days – until September 24, 2014 – to move to dismiss. In order to proceed on a uniform briefing schedule as to all defendants, Rio Tinto submits that September 30, 2014 is a reasonable date that provides all defendants with ample time to prepare their motions.